

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

28 October 1998 (28.10.98)

International application No.

PCT/US98/03914

Applicant's or agent's file reference

2393/500

International filing date (day/month/year)

27 February 1998 (27.02.98)

Priority date (day/month/year)

28 February 1997 (28.02.97)

Applicant

WILHOIT, Darrel, Loel et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

28 September 1998 (28.09.98)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Carine SEVILLANO

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: RAYMOND W. GREEN
BRINKS HOFER GILSON & LIONE
NBC TOWER- SUITE 3600
455 NORTH CITYFRONT PLAZA DRIVE
CHICAGO, ILLINOIS 60611-5599

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

01 MAR 1999

Applicant's or agent's file reference

2393/500

IMPORTANT NOTIFICATION

International application No.

PCT/US98/03914

International filing date (day/month/year)

27 FEBRUARY 1998

Priority Date (day/month/year)

28 FEBRUARY 1997

Applicant

VISKASE CORPORATION

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

ERENA DYE

Telephone No. (703) 308-0661

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

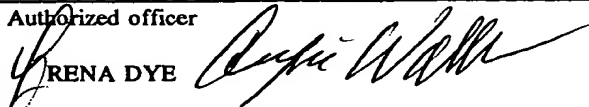
(PCT Article 36 and Rule 70)

| | | |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Applicant's or agent's file reference 2393/500 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/US98/03914 | International filing date (<i>day/month/year</i>) 27 FEBRUARY 1998 | Priority date (<i>day/month/year</i>) 28 FEBRUARY 1997 |
| International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet. | | |
| Applicant VISKASE CORPORATION | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
 These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Date of submission of the demand 28 SEPTEMBER 1998 | Date of completion of this report 19 FEBRUARY 1999 |
| Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 | Authorized officer  RENA DYE |
| Facsimile No. (703) 305-3230 | Telephone No. (703) 308-0661 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/03914

I. Basis of the report

1. This report has been drawn on the basis of (*Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments*):

☒ the international application as originally filed.

☒ the description, pages 1-50, as originally filed.

pages NONE, filed with the demand.

pages NONE, filed with the letter of _____.

pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-45, as originally filed.

Nos. NONE, as amended under Article 19.

Nos. NONE, filed with the demand.

Nos. NONE, filed with the letter of _____.

Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1-3, as originally filed.

sheets/fig NONE, filed with the demand.

sheets/fig NONE, filed with the letter of _____.

sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☒ the description, pages NONE.

☒ the claims, Nos. NONE.

☒ the drawings, sheets/fig NONE.

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the ~~Supplemental Box~~ Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/03914

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-45</u> | YES |
| | Claims <u>NONE</u> | NO |
| Inventive Step (IS) | Claims <u>1-45</u> | YES |
| | Claims <u>NONE</u> | NO |
| Industrial Applicability (IA) | Claims <u>1-45</u> | YES |
| | Claims <u>NONE</u> | NO |

2. CITATIONS AND EXPLANATIONS

Claims 1-10 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed polymer blend of at least three copolymers comprising: a first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α -olefin; a second polymer having a melting point between 85 to 110°C comprising a copolymer of ethylene and at least one α -olefin; and a third polymer having a melting point between 115 to 130°C comprising a thermoplastic polymer.

Claims 11-36 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed thermoplastic film having at least one layer comprising a blend of at least three polymers comprising: a first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α -olefin; a second polymer having a melting point between 85 to 110°C comprising a copolymer of ethylene and at least one α -olefin; and a third polymer having a melting point between 115 to 130°C comprising a thermoplastic polymer.

Claims 37-45 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed process for making a biaxially stretched, heat shrinkable film comprising the step of extruding a melt plastified primary tube comprising a first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α -olefin; a second polymer having a melting point between 85 to 110°C comprising a copolymer of ethylene and at least one α -olefin; and a third polymer having a melting point between 115 to 130°C comprising a thermoplastic polymer; and optionally a fourth polymer having a melting point between 80 to 105°C.

Claims 1-11 meet the criteria set out in PCT Article 33(4) because the claimed polymer blend is useful in making films.

Claims 12-36 meet the criteria set out in PCT Article 33(4) because the claimed thermoplastic film is useful in making packaging for food products.

(Continued on Supplemental Sheet.)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/03914

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(6): B32B 1/08, 7/12, 15/04, 27/32 and US Cl.:

428/34.9,35.2,35.4,35.5,212,220,515,516,517,518,519,520,521,522,523

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

Claims 37-45 meet the criteria set out in PCT Article 33(4) because the claimed process is useful in making a biaxially stretched, heat shrinkable film.

----- NEW CITATIONS -----

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

| | | | | | | | |
|----|--------------------------|----|------------------------------------------|----|----------------------------------------------|----|--------------------------|
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| AU | Australia | GA | Gabon | LV | Latvia | SZ | Swaziland |
| AZ | Azerbaijan | GB | United Kingdom | MC | Monaco | TD | Chad |
| BA | Bosnia and Herzegovina | GE | Georgia | MD | Republic of Moldova | TG | Togo |
| BB | Barbados | GH | Ghana | MG | Madagascar | TJ | Tajikistan |
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| CI | Côte d'Ivoire | KP | Democratic People's Republic of Korea | NZ | New Zealand | | |
| CM | Cameroon | | | PL | Poland | | |
| CN | China | KR | Republic of Korea | PT | Portugal | | |
| CU | Cuba | KZ | Kazakstan | RO | Romania | | |
| CZ | Czech Republic | LC | Saint Lucia | RU | Russian Federation | | |
| DE | Germany | LI | Liechtenstein | SD | Sudan | | |
| DK | Denmark | LK | Sri Lanka | SE | Sweden | | |
| EE | Estonia | LR | Liberia | SG | Singapore | | |

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US98/03914

A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) :B32B 1/08, 7/12, 15/04, 27/32

US CL :428/35.7, 35.9, 343, 345, 349, 354

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 428/35.7, 35.9, 343, 345, 349, 354

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

APS, MAYA

search terms: ethylene, thermoplastic, melting, mp

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|-----------|------------------------------------------------------------------------------------|-----------------------|
| Y | US 5,358,792 A (MEHTA et al.) 25 October 1994, see entire document. | 1-45 |
| Y | US 4,640,856 A (FERGUSON et al.) 03 February 1987, see entire document. | 1-45 |
| Y | US 4,837,084 A (WARREN) 06 June 1989, see entire document. | 1-45 |
| Y | US 4,457,960 A (NEWSOME) 03 July 1984, see entire document. | 1-45 |
| Y | US 5,562,958 A (WALTON et al.) 08 October 1996, see entire document. | 1-45 |
| Y | US 5,593,747 A (GEORGELOS) 14 January 1997, see entire document. | 1-45 |



Further documents are listed in the continuation of Box C.



See patent family annex.

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * Special categories of cited documents: | *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| *A* document defining the general state of the art which is not considered to be of particular relevance | *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| *B* earlier document published on or after the international filing date | *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | *Z* document member of the same patent family |
| *O* document referring to an oral disclosure, use, exhibition or other means | |
| *P* document published prior to the international filing date but later than the priority date claimed | |

Date of the actual completion of the international search

25 APRIL 1998

Date of mailing of the international search report

23 JUN 1998

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

MP WOODWARD

Telephone No. (703) 308-0196

INTERNATIONAL SEARCH REPORTInternational application No.
PCT/US98/03914**C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT**

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|-----------|------------------------------------------------------------------------------------|-----------------------|
| Y | US 4,207,363 A (LUSTIG et al.) 10 June 1980, see entire document. | 1-45 |
| Y | US 5,376,439 A (HODGSON et al.) 27 December 1994, see entire document. | 1-45 |
| Y | US 4,247,584 A (WIDIGER et al.) 27 January 1981, see entire document. | 1-45 |